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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 6 March 1995 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith, the comments of the Government of the Federal Republic of Yugoslavia on the part on the Federal Republic of Yugoslavia in the special report on the media, by the Special Rapporteur, Tadeusz Mazowiecki (E/CN.4/1995/54, of 13 December 1994), and to request you kindly to circulate this letter and its annex as an official document of the fifty-first session of the Commission on Human Rights, under agenda item 12.

(Signed) Vladimir Pavicevic
Ambassador

GE 95-12204

COMMENT OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ON THE SPECIAL REPORT ON THE MEDIA, PART ON THE FEDERAL REPUBLIC OF YUGOSLAVIA, BY SPECIAL RAPPORTEUR TADEUSZ MAZOWIECKI (DOC. E/CN.4/1995/54 OF 13 DECEMBER 1994)

General Remarks on RTV Serbia

The prerogative of the Government to appoint the General Director of the Radio and Television of Serbia is no specific feature of Serbia and Yugoslavia. In point of fact, in many democracies of long-standing tradition it is not infrequent practice at all that the government appoints directors of the State television, so that comparative law knows of both ways of appointment: by Parliament and by the government. It is therefore obvious that a governmental appointment provides sufficient guarantee that the State radio and television will be impartial.

The Mazowiecki Report is replete with allegations about the bias and partiality of RTV Serbia during the 1993 elections, which go so far as to accuse it of being a propaganda organ of the ruling SPS party.

RTV Serbia made an internal in-depth analysis of its coverage of the 1993 elections and the breakdown of the duration and number of party presentation programmes is annexed to this Report. (The period covered stretches from 9 November to 16 December 1993). A cursory look at this document would suffice to disprove the allegations of the Special Rapporteur. The comparison of the data on the party presentation programmes on RTV Serbia with the political influence of these parties, measured by the number of seats in Parliament, reveals that the Socialist Party of Serbia was represented the least, unlike some relatively small opposition parties such as the Democratic Party of Serbia for example.

Unfortunately, the Report says nothing about the activities of other radio and television stations in this field, which is a serious shortcoming. From the similar data on TV Studio B programmes for June 1994 it transpires that opposition parties are given much wider coverage than the SPS ruling party. The percentage breakdown reveals the following picture: Serbian Renewal Party - 19.20 per cent; Democratic Party - 12.12 per cent; Serbian Radical Party - 8.19 per cent; and the Socialist Party of Serbia - only 1.20 per cent.

As to the exercise of the right of national minorities to information in their mother tongues, RTV Serbia currently broadcasts programmes in Hungarian, Albanian, Slovak, Turkish, Romanian, Ruthenian, Ukrainian, Bulgarian and Romany.

The per-minute overall broadcasts in the languages of national minorities exceed the programme in Serbian. By the number of broadcasts in the languages of national minorities, RTV Serbia belongs among leading European radio and television stations.

Particular mention should be made of the fact that RTV Serbia is making every effort to preserve its programmes in Albanian as a great number of Albanian journalists have left it of their own free choosing.

FEDERAL REPUBLIC OF YUGOSLAVIA

The part of the Report on the media situation in the Federal Republic of Yugoslavia is replete with falsehoods and the picture it provides of the media activities in the FR of Yugoslavia is distorted and far from being true. The Report is full of animosity towards the FR of Yugoslavia, particularly towards the ruling SPS party, the winner of the free, democratic and multi-party parliamentary elections.

The Report does not take due account of, or dismisses, as it were, out of hand, the facts which provide ample evidence of the democratization of the media in the FR of Yugoslavia and the full freedom of expression, guaranteed by the Constitution of the FR of Yugoslavia. Its Article 36, para. 1, reads as follows:

"Freedom of the press and other forms of public information shall be guaranteed."

Article 38 says that:

"Censorship of the press and of other forms of public information shall be prohibited."

By presenting the media in the FR of Yugoslavia as extremely undemocratic and controlled by the State and the ruling party, the Special Rapporteur seeks to portray Yugoslavia as a totally undemocratic country, while his comparison of the media situation to that in the former republics of the SFR of Yugoslavia is always detrimental to the FR of Yugoslavia.

The Special Rapporteur is not interested in investigating the phenomenon of the spreading of inter-ethnic hatred in the media in all former Yugoslav republics, as well as in some papers in the FR of Yugoslavia in the languages of national minorities. He is equally oblivious of the inter-ethnic hatred and anti-Serb sentiments churned out by the Western media without allowing the FR of Yugoslavia to either correct or deny the allegation levelled against it in this shameless campaign. Therefore, the statement of the Special Rapporteur on the "Echoes and Reactions" feature column (which the "Politika" daily stopped publishing in 1992) merits no special comment at all. At the time of the secession of former Yugoslav republics, the column reflected personal views, observations and experiences relating to the Serb people. Most of the articles published in the column called for the preservation of the former Yugoslavia at the time when the media in Croatia and Slovenia, drumming up support for secession, were creating aggressive anti-Serb sentiments using the most malicious language against Serbs, Serbia and Yugoslavia. There is no doubt whatsoever that the media in the FR of Yugoslavia have always been way behind their counterparts in other parts of the former SFR of Yugoslavia in spreading ethnic hatred in that unfortunate country.

Paragraphs 116 and 117

Respectful of the institution of the Special Rapporteur of the Commission on Human Rights, the FR of Yugoslavia has, on many occasions presented abundant evidence to corroborate its objections to the recurrent allegations of the Special Rapporteur. These documents have been circulated within the United Nations. And while the dismissive attitude of the Special Rapporteur towards our readiness for dialogue and cooperation is hard to take in, its purpose, though, is quite understandable.

It will therefore suffice to reiterate the comments contained in document A/49/273 on the freedom of expression and media situation that Yugoslavia submitted in July 1994 related to the media treatment and representation of parties during the December 1993 elections. At the time of these elections, 1 420 dailies and magazines of various professional and political orientations were published in Serbia and three major and ten smaller television stations and over one hundred radio stations broadcast their programmes. Almost all opposition parties in the FR of Yugoslavia had their organs and periodicals and they were given large publicity in the so-called independent media.

The information programmes of RTV Serbia covered the early December 1993 elections in accordance with their editorial policy and conception, treating the elections as an important State and national, rather than as a narrow party, event. In accordance with the Law on the Election of Deputies (Articles 59, 60 and 61), the radio and television were duty-bound to ensure an equal, independent and objective presentation of all the participants in the elections. In its coverage of the election campaign, RTV Serbia observed the Rules on the Presentation of Parties in the Media, defined before the elections, as a result of a consensus reached by the political parties, the Government and the media. In accordance with its status of the State public enterprise, RTV Serbia signed an Agreement with the representatives of the political parties and the Government of the Republic of Serbia on the number and duration of broadcasts in which candidates presented themselves. The Control Committee for Early Elections was also established comprising intellectuals and media experts from different political parties. The Committee was entrusted with the general control of the election activities and had no serious objection made as to the comportment of RTV Serbia, other media or the participants in the elections. These assessments were confirmed also by international observers.

The demonstrations organized by the Serbian Renewal Movement on 9 March 1991 in the wake of the first multi-party elections had allegedly as a goal the replacement of the management and editorial team of RTV Serbia. In point of fact, their real goal was to take over the power through non-parliamentary action as their organizers had been dissatisfied with election results.

Paragraph 118

Article 32 of the Law on Public Information provides for the possibility of bringing action against an Editor-in-Chief who does not publish a correction of an erroneous information which violates someone's right or interest or does not publish it in a manner and within the time framework provided for by the said Law. It is not known to the Serbian Ministry of Information that any such action has been filed to a competent court.

Paragraph 119

The allegation that "RTV Serbia has also performed an important political role in the de facto Serb-controlled areas of Bosnia and Herzegovina and Croatia" and that "this is evidenced by the fact that all transmitters in these areas have been modified to receive and broadcast RTV Serbia programmes" concerns the civil right of free choice and merits the following question: should the Serbs, who remained outside Serbia after forcible secession from, and the disintegration of the former Yugoslavia watch only the television programmes of the newly-created States in which a most malicious language is reserved for the Serb people and those living in their homes and defending their right to self-determination who are called aggressors. There is also the question of the language used by these media. Unlike the Serbocroatian or Croatioserbian language, spoken by the majority of the population of the former Yugoslavia, an Orwellian type of Croatian newspeak is being created, ruthless in its crusade against "Serbisms", while the "Bosnian" language has introduced Arabisms which are incomprehensible even to Muslims.

Paragraphs 120 and 121

The number of private television and radio stations is much greater than indicated by the Special Rapporteur. Serbia alone has allocated frequencies to four private television stations and eleven private radio stations. Besides, many other private television and radio stations up and down the country operate freely with only a temporary or no permission at all.

Political and media plurality is very much in evidence in Serbia and the authorities and the ruling party are far from being given a kid-glove treatment. All those with resources and ideas are free to publish newspapers and establish radio and television stations. The media which consider themselves independent of the State authorities and which do not deny that their editorial policies are influenced by opposition parties and some international factors which also support them financially (Soros Foundation, etc.) are free to operate in Serbia. In the conditions of international sanctions and the resultant economic stringencies, affecting also the media, foreign financial media assistance could surely be of great importance. Yet, the fact that the United Nations Sanctions Committee has approved assistance to some of the so-called independent media and that it has not approved humanitarian deliveries of fuel, medicine or medical equipment, which resulted in the dramatic deterioration of the living conditions and even in the increase of the mortality rate in the FR of Yugoslavia, of children in particular, provides eloquent evidence of the Committee's very odd order of priorities.

Paragraph 122

Like many others, the allegation from this paragraph is also very arbitrary indeed. The claim that there have been "recent attempts to create alternative programmes advocating peace and tolerance" and providing, in that context, the example of only one one-hour TV Studio B programme leads one to the conclusion that a conspectus of media reporting has been made and that it has revealed that all other radio and television programmes advocate war and hatred. However, no such conspectus has been made and if it had been, it would not have led to such a conclusion.

Paragraphs 123 and 129

The imposition of the state of emergency in a State, motivated by the need to protect higher national interests, provided for by the International Covenant on Civil and Political Rights, implies restrictions on certain freedoms and rights. It was in this context that the banning of "Rilindja" should be understood. But before the reasons for the ban and the current print media situation in Kosovo and Metohija are explained, a clarification is necessary which is not apparent in para. 123: Yugoslavia, as a signatory to the Covenant, acted in accordance with the obligation relating to the state of emergency and notified the United Nations Secretary-General of its imposition and subsequent lifting.

Ever since its establishment, "Rilindja" was banned for the first time on 7 August 1990 because of the abuse of the freedom of the press and the violation not only of the Constitution and laws of Serbia but also of international norms relating to national minorities which call for the loyalty of the minority media to the State in which the minorities enjoy minority rights. Because of its editorial policy aimed at inciting inter-ethnic conflicts and aggressive inter-ethnic hatred, temporary measures were also taken against RTV

Pristina on 5 July 1990, whereafter 1 251 Albanian employees left this institution of their own accord, while only six employees were dismissed after the lifting of the temporary measures in 1992 because of serious breaches of work discipline.

The Ministry of Information of the Republic Serbia has explained the media situation in Kosovo and Metohija on many occasions.

The Government of the Republic of Serbia has never attempted to stifle the freedom of information in the languages of national minorities. Eloquent proof thereof is the fact that newspapers in Albanian and Turkish are being published in Kosovo and Metohija uncensored. The "Bujku" daily is published on six days a week with daily circulation of 8 to 10 000 copies. The following Albanian magazines are also regularly published: "Koha", 5-6 000 copies; "Zeri", 8 000 copies; "Dituria Isqame", 2 000 copies; "Pioneri", 4 000 copies; "Fiaka Jone", 5 000 copies and "Kosovarja", 4 000 copies. Recently, the "Sportski refleksi" magazine is occasionally published in Albanian. All dailies and magazines in Albanian are purportedly independent. 17 dailies and periodicals in Albanian were published in 1993, but the economic difficulties, particularly the shortage of newsprint, dies and other items, affecting also other Yugoslav print media, forced them to cease publication. Albanian print media refuse their legal obligation to register with appropriate authorities in the Republic of Serbia, but the Government continues to tolerate their publication.

Until two years ago, most of Albanian language newspapers were subsidized from the State funds for financing the work and development of public information. "Rilindja" received 17.5 per cent of the funds' resources, "Zeri i Rinis" 2.9 per cent, while the largest share, amounting to 65.5 per cent, went to RTV Pristina which had the highest costs and broadcast in several languages. Today, RTV Pristina broadcasts in Serbian, Albanian, Turkish and Romany. A 14-hour programme in Albanian is broadcast every day by the Pristina station and several hours by the Prizren station.

The Republic of Serbia has invested large sums of money in the buildings and equipment of information houses in Kosovo and Metohija. The construction of the Press House and the building housing "Jedinstvo", "Rilindja", "Tan" and the "Gracanica" printing shop was financed by the International Monetary Fund and commercial loans whose instalments were serviced by the Republic of Serbia.

Paragraph 124

Information systems all over the world know of the media "supportive to the Government" and those supportive of the opposition. Media circulations are determined exclusively by the number of their readers.

Paragraph 125

The allegation that the journals mentioned in this paragraph "habitually write the word "Muslim" with a small "m" to show lack of respect for this national community" has everything to do with the spelling of the Serbian language. All spelling rules, past and present, provided for the spelling of a member of a religion with a small letter - catholic, orthodox or muslim. Accordingly, the said journals are doing nothing else but spelling correctly the name of the religious community declared a nationality in the former Yugoslavia. Throughout the entire text of the Report, the Special Rapporteur of the Commission on Human Rights makes the same mistake of calling the Law on Public Information the Law on the Basis of Public Information. The Law on Public Information is

in force in the Republic of Serbia, while the Law on the Basis of Public Information System is in force in the FR of Yugoslavia.

Paragraph 127

This paragraph contains very slanted views as to the popularity and editorial policies of some newspapers in the FR of Yugoslavia. To illustrate his assertion that "some of the independent press have kept their pages free of virulent nationalism and have remained relatively objective as a result", the Special Rapporteur takes as an example the weeklies "Vreme" and "Monitor". In this context, he would certainly appreciate to know that the Law on Public Information of the Republic of Montenegro, for example, provides for the right of courts of law to determine what is nationalism in the press and courts are, according to the Constitution of this Republic, autonomous and independent. Accordingly, the distribution of newspapers and other printed matter in the Republic of Montenegro can be prevented only if it is determined by a ruling of a court of law that they violate the guaranteed freedoms and rights of citizens or incite national, racial or religious hatred and intolerance.

It is therefore quite evident that the Republican Secretariat for Information, the administrative organ in charge of monitoring the public information system in the Republic of Montenegro, cannot be brought to act by anyone's private views of the editorial policy of a particular newspaper, including his/her accusation of the spread of national, religious or racial hatred; the Secretariat action can ensue only as a consequence of a valid decision of a competent court of law. This arrangement is, of course, without prejudice to the right of the Special Rapporteur, or any other individual citizen, to entertain their own views on the matter and to buy a newspaper or a magazine of their own choice.

Paragraph 126

The case in point is in fact a legal process aimed at regulating the ownership transformation of the former newspaper and publication enterprise of "Borba" into the so-called joint-stock company of "Borba", not the shutting down of "the leading opposition daily", as alleged in this paragraph. The takeover bid of a private businessman implies acquisition of attractive business premises in downtown Belgrade worth millions of dollars at a relatively low price. Such matters are decided by competent courts and no amount of political colouring will sway a court's hand in deciding apparently an ownership matter.

Paragraph 128

It is true that "in Montenegro the main daily newspaper is the State-owned "Pobjeda"". The founder of the newspaper is the Republic of Montenegro and it owns the newspaper.

However, the Special Rapporteur overlooks the fact that the management of this daily is regulated by law that its management and supervisory boards are appointed by the Assembly of the Republic of Montenegro and that there exists a legal obligation that all parties be equally represented on these boards. In this way, all political parties in Montenegro's Parliament are provided an opportunity to take part in the management of this daily and in determining its editorial policy. In this context, it is interesting to note that the management of State-owned media in many European countries is far less democratic, of which the Special Rapporteur is probably well aware.

Paragraph 130

The allegations that "Pobjeda" "has a monopoly on printing and distribution", that "Monitor" has often had distribution problems with "Pobjeda"", and, in particular, that "copies of the paper are allegedly put aside to prevent their being sold" are untrue and arbitrary.

"Pobjeda" has no monopoly on the printing and distribution of other newspapers and operates exclusively on the profit basis. There is no need for "Monitor" to have its copies printed in this public enterprise; with a number of other printing shops in this Republic, "Monitor" is free to look for a better service elsewhere.

The allegation of the Special Rapporteur is all the more surprising as the Republican Secretariat for Information and the Council for the Protection of the Freedom of Public Information of the Republic of Montenegro have never received any complaint from "Monitor" to that effect.

Paragraph 133

It is not clear which criteria, even less which international norms, have determined the Special Rapporteur in his assertion that Tanjug's editorial policy is based on support for national and State interests.

Paragraph 140

It is not true that the allocation of frequencies is decided, according to the Law on Radio and Television, by "a Government-appointed commission composed of State officials and members or known supporters of the SPS".

Under Article 4, para. 3, of the Law on Radio and Television, the Government of the Republic of Serbia receives requests for the allocation of frequencies and decides on their allocation on the basis of the Law on Public Information and the said Law on Radio and Television.

Article 11 of the Law on Radio and Television provides for the government appointment of a commission, the charge of which is to provide an expert opinion and advise the government on the allocation of radio frequencies. The composition of the Commission and the conditions of its work are not defined by law but by the decision on its establishment, while the criteria for the appointment of its members are based on their professional knowledge and competence, not their party membership.

Similarly, the Commission for Radio Frequencies was not established on 24 November 1994 but on 1 April 1992.

The Commission is a standing body and new members are co-opted only if the old ones leave.

Paragraph 141

This paragraph contains an allegation that the Serbian Government has ignored the decision of the Constitutional Court of the former SFR of Yugoslavia of 24 October 1991 by which "Serbian government control over frequencies was found to be unconstitutional".

However, the decision of the Constitutional Court of the former SFR of Yugoslavia was adopted before the promulgation of the Constitution of the Federal Republic

of Yugoslavia and after the adoption of the Republican Constitution at the time when all republics of the former SFR of Yugoslavia regulated the matter of radio frequencies on the basis of their own republican Constitutions.

Accordingly, the assessment of the constitutionality of Article 6 of the Law on Public Information of the Republic of Serbia was based on the Constitution of the former SFR of Yugoslavia (applicable to the entire territory of the SFR of Yugoslavia), not the Constitution of the FR of Yugoslavia which is in force and which was promulgated after the Constitution of the Republic of Serbia.

Paragraph 142

It is said in this paragraph that "it is not clear whether the Law prohibits independent radio and TV stations altogether".

In addition to being arbitrary, this allegation reveals a singular lack of knowledge of the regulations in force or their superficial and tendentious interpretation.

The Law on Radio and Television provides quite explicitly that all legal and physical persons in the Republic of Serbia can engage in broadcasting under the conditions specified by law. A separate Section of the said Law establishes the public company of RTV Serbia which performs the function of public information of national importance and, not unlike everywhere else in the democratic world, is governed by precise regulations.

Recently, the Government of the Republic of Serbia allocated frequencies to 11 radio and 4 television stations to bidders on two public competitions.

For the purpose of comparison, it is recalled that there are no private radio and television stations in Austria neither do Austrian laws provide for such a possibility. However, it does not prevent the Austrian media to rail against the "undemocratic" media in the FR of Yugoslavia.

Paragraph 146

The General Manager of RTV Montenegro did indeed suspend four journalists for an alleged breach of contract. The competent Municipal Court of Podgorica, however, ruled that their suspension was illegal and that the General Manager had acted in excess of his legal authority. The journalists were indeed reinstated and compensated for the time they had lost, so that the claim that RTV Montenegro officials ignored the Court's decision is untrue. In carrying out the Court's decision, the journalists were also offered to return to RTV Montenegro which some of them accepted and some refused, which was also their democratic right.

Paragraph 147

In this paragraph the Special Rapporteur alleges that two journalists of Radio Tivat were suspended in November 1993 by decision of the President of the Tivat Municipality in Montenegro. They were reportedly banned from entering the station's premises and prevented from picking up their personal possessions because they were Croats. He further alleges that the Constitutional Court of Montenegro ruled that the decision was illegal, but that the ruling was not enforced.

These allegations are untrue since the decisions adopted by the then President of the Tivat Municipality concerned primarily the operation of a public institution established

by a local government and, in this sense, his wrong assessments of the powers given to the executive organ of the units of local government in imposing receivership in a public institution which publishes or broadcasts public information programmes. Accordingly, nobody was suspended by these decisions on the basis of nationality; they were appealed by the aggrieved parties and adjudged contrary to the Constitution and the positive laws of the Republic of Montenegro by the Constitutional Court of the Republic.

The case in point was an extremely controversial and delicate legal situation which was expounded in all sorts of ways by very prominent legal minds. The final decision of the Secretariat for Information of the Republic of Montenegro to ban this media institution was therefore determined exclusively by the decision of the Constitutional Court of the Republic of Montenegro which is the only competent organ to decide in the matter of constitutional appeals of the violation of human rights and fundamental freedoms.

There is no doubt that the Tivat case has been used as a political football. The manner in which it has been treated by the Special Rapporteur in his Report leaves little doubt that he also was guided by similar aims. The authorities of the Republic of Montenegro, however, resolved to uphold full legality in the case and to respect the Constitution of the Republic of Montenegro and the Law on Public Information. Accordingly, all employees of this public institution, irrespective of their nationality, so piously referred to by the Special Rapporteur, have been compensated for the entire period during which the institution had been closed. Also, the President of the Municipal Assembly of Tivat resigned and the Municipal Assembly adopted relevant normative acts to conform the work of this public institution to the existing legal system of the Republic of Montenegro.

Paragraph 150

The assertion that "in Montenegro, phoned threats and insults have almost become the rule for opposition journalists, as have bomb and armed attacks on editorial premises" is absolutely untrue. There was only one armed attack by an unknown perpetrator against a public information institution three years ago, which does not constitute a rule.

It is surprising that the Secretariat for Information of the Republic of Montenegro, as the responsible department, possesses no information about the "war situation" which, according to the Special Rapporteur, reportedly exists in the field of public information.

Physical and legal persons require no special permission to establish a public information institution in Montenegro. Only breaches of legally established obligations and rules are punishable by law. Phoned threats and insults, however, are dealt with by the Ministry of Internal Affairs of the Republic of Montenegro and, in the knowledge of this Ministry, their number has been negligible and therefore inconsequential for the on-going broad media democratization in the Republic of Montenegro.

Paragraph 152

The allegations that the media in Serbia and Montenegro foster hostility amongst the population against other nationalities resident in the former Yugoslavia are ill-intended generalizations. Like everywhere else in the world, the media language in the FR of Yugoslavia varies according to the media character and editorial policy, but the vituperative terms referred to in the report are certainly not used to identify an entire people (Croats) and a religious-ethnic community (Muslims). The Constitution of the FR of

Yugoslavia explicitly states in Article 38 that the competent court may prevent the dissemination of newspapers and other printed matter or information if they foment national, racial or religious intolerance and hatred, provided appropriate evidence is presented to the court. The allegations of the Special Rapporteur, however, had been made without any corroborating evidence.

Paragraph 153 and 154

By his very slanted views of the media that have created a distorted picture of history and the current conflicts and by offering his own theory of myths and heroes, the Special Rapporteur has done a great disservice to himself in the first place. Whether a particular school of thought as to the root causes of the present conflict in the former Yugoslavia is right or wrong is the matter of scholarly concern and the Special Rapporteur will surely agree that Yugoslav scholars are slightly more knowledgeable of the issue and, on that account, have the right to entertain their own opinion.

Paragraph 155

Once again, the Special Rapporteur is guilty of a deliberate perversion of truth. He speaks of the "bombardment" of Sarajevo, as if it were an open city, unprotected and left to one's "retaliation". Ever since the outbreak of the crisis in the former Yugoslavia, the media in the FR of Yugoslavia have given a graphic chronology of events and the fact is that three ethnic communities (Serbs, Croats and Muslims) have lived in Sarajevo. It is also a fact that the war was triggered by the secession of Bosnia-Herzegovina from the former Yugoslavia and that the referendum on secession did not include the Serbs as a constituent people in Bosnia-Herzegovina. The war began with an attack on a Serb wedding procession, while events were stage-managed. One such example is the breadqueue massacre in Vase Miskina Street (which served as a pretext for the imposition of sanctions on the Federal Republic of Yugoslavia in May 1992 and for which it has been subsequently established that it was not committed by Serbs). The case of the "Markale" street market in early 1994 also speaks for itself. These and similar events which the Muslim leadership in Sarajevo staged to kill their own people (more precisely the citizens of Sarajevo) attributing them to Serbs in order to attract United Nations and NATO military intervention speak volumes of the situation in Sarajevo.

Paragraph 157

Which foreign reports and statements will be carried by the media in the FR of Yugoslavia is the a matter of editorial policy. On the other hand, the Special Rapporteur alleges that these reports and statements are censored, although censorship is expressly prohibited under Article 38 of the Constitution of the FR of Yugoslavia.

Paragraph 158

Once again the subject-matter of the linguistic scrutiny of the Special Rapporteur are the State controlled media. The Special Rapporteur has problems with the term of "former Bosnia-Herzegovina". He obviously makes no distinction between legal and legitimate. He takes as his supreme criterion the "international recognition" and does so at

the time when an ever greater number of international factors and prominent public and political figures speak of the premature recognition of Croatia and Bosnia-Herzegovina as the principal cause of war. Following his own logic, the Special Rapporteur should just as well call "The Guardian" of London to account for its reporting as, on 8 December 1993, it called Ibrahim Rugova "President of the Republic of Kosovo". In this way, the venerable newspaper bestowed on a de facto and de iure non-existent State and its President. The international media are flooded with such examples. On the other hand, it is known that the FR of Yugoslavia has not recognized the secessionist republics of Croatia and Bosnia-Herzegovina.

Paragraph 159

The "international plot against the Serbs" theory is neither the official position of the Federal Republic of Yugoslavia nor does any Yugoslav politician of any significance entertain such a view. The claim of the Special Rapporteur that this view has been imposed by the media is therefore untrue. Although it appears sporadically in some media, it is far from being the prevalent opinion and is not used to justify everything, as alleged by the Special Rapporteur. However, Yugoslavia does consider that the sanctions imposed by the United Nations Security Council are directed against the entire Serb people, in practice as well as in theory. In this context, there is every reason to maintain that the Yugoslav media have been very harshly dealt with in the Report.

Paragraph 160

As to the allegations of verbal attacks against opposition politicians, who are allegedly referred to as "bad Serbs" or "traitors", such attacks, if any, are very sporadic. However, much more frequent are the attacks of the opposition, particularly through the so-called independent media against the leaders of the ruling party for alleged treason of national interests in which a very slanderous language is used.

Paragraph 163

The allegation of "increased isolation" of the Federal Government is absolutely untrue. Since April 1994, the then Federal Ministry of Information and the present Federal Secretariat for Information have granted accreditation to 70 new foreign correspondents and renewed accreditations of 238 foreign correspondents in the Federal Republic of Yugoslavia. The AFP resumed work by sending a completely new team of correspondents, thus providing for a continued reporting from the FR of Yugoslavia. Besides, British satellite TV "Sky News" also continued regular reporting from the FR of Yugoslavia and all the areas of the former Yugoslavia after replacing the chief of its bureau in Belgrade in February 1994. On 5 January 1995, 264 foreign correspondents were accredited in the FR of Yugoslavia. Now, 32 agencies, 57 newspapers and 38 radio and television stations are reporting from Belgrade.

The Report also says that RTV Serbia is financed from subscription fees. This information is out of date as a fee was introduced on household electricity meters under the Amendments to the Law on Radio and Television of 12 July 1993, the proceeds of which are used to finance RTV Serbia's activities which are of public interest. Similar practice obtains in some other European countries.

CONCLUSIONS AND RECOMMENDATIONS (Paras 165-171)

In paragraph 170, the Special Rapporteur calls, in a way of a conclusion, for outside support to the media in the FR of Yugoslavia. This is very commendable all the more so as all the media in the FR of Yugoslavia are supportive of anti-war, pluralist and democratic positions. All of them would welcome outside assistance in newsprint and similar items, as well as the raising of the voice by the international community against the information blockade that Yugoslavia has been subjected to ever since the imposition of the import ban on foreign papers and other printed matter, which ban, needless to say, is hardly a contribution to the democratization of the media in the FR of Yugoslavia.

The allegation of the Special Rapporteur that the Government proposal is aimed at preventing the media in Serbia to accept outside assistance is typical of his overall attitude. In fact, the Government proposal relates to the obligation of the Yugoslav media to regularly inform the competent organ of the donor and the amount of foreign (financial) assistance. It has obviously nothing to do with obtaining a prior permission from the competent State organ. Similar obligations to register foreign financial assistance exists in many countries all over the world. In the United States, for example, public relations institutions are obliged to submit quarterly reports to the Ministry of Justice on who their clients are, what fees they charge and where the money comes from.

Instead of a conclusion, one has to observe that, like the previous one, the present Report of the United Nations Special Rapporteur on the human rights situation in the former Yugoslavia is replete with arbitrary allegations and half-truths, aimed at misrepresenting the Yugoslav media as undemocratic and, by extension, at projecting a false picture of the Federal Republic of Yugoslavia as a country ruled by force rather than by law.

Annex

Duration and number of broadcasts
- per parties -

No.	Name of party	Presentation programme min.	Round table programme min.	Promotion programme min	Regular activities programme min.	Statements programme min	Reactions programme min.	Total number of broadcasts number min
1.	Party of Bunjevci and Sokci	1 15		1 3				2 18
2.	Democratic Movement of Serbia	1 31	6 542	13 39	11 14	2 1		33 685
3.	Democratic Coalition for Vojvodina	1 17						1 17
4.	Democratic Pedagogical Party of Yugoslavia			4 12				4 12
5.	Democratic Rhetor Party of Muslims	1 15						1 15

No.	Name of party	Presentation programme	min.	Round table programme	min.	Promotion programme	min.	Regular activities programme	min.	Statements programme	min.	Reactions programme	min.	Total number of broadcasts	number	min
6.	Democratic Party	1	31	6	542	12	36	13	13	2	2			34	624	
7.	Democratic Party - Davidovic Grol					4	12							4	12	
8.	Democratic Alliance of Croats in Vojvodina	1	15			1	3							2	18	
9.	Democratic Party of Serbia	1	31	6	542	13	39	9	10	1	1			30	623	
10.	Democratic Union of the Centre	1	15			5	15							6	30	
11.	Democratic Community of the Vojvodina Hungarians	1	17							1				2	17	

No.	Name of party	Presen-tation programme min.	Round table programme min.	Promotion programme min.	Regular activities programme min.	State-ments programme min.	Reactions programme min.	Total number of broadcasts number min.
12.	Citizens Group (CG) Aleksandar & Stevanovic	1 15						1 15
13.	CG Sapic, Blagoje	1 15						1 15
14.	CG Biljic, Velibor	1 15		1 3				2 18
15.	CG Better Life	1 15						1 15
16.	CG Carapani of Trstenik	1 15						1 15
17.	CG Drazevac			1 3				1 3
18.	CG Dokic, Bozidar	1 15						1 15
19.	CG Intelligence, Workers & Farmers	1 15						1 15

No.	Name of party	Presentation programme num.	Round table programme num.	Promotion programme num.	Regular activities programme num.	Statements programme num.	Reactions programme num.	Total number of broadcasts number num.
20.	CG Nine Jugovics	1 15						1 15
21.	CG Leskovac			1 3				1 3
22.	CG Youth	1 15						1 15
23.	CG Despotovic, Milos	1 15						1 15
24.	CG Jakovljevic, Mirko	1 15						1 15
25.	CG Milovic, Radosav	1 15						1 15
26.	CG Vasiljevic, Milan - Reper	1 15		4 12				5 27
27.	CG New Mirijevo	1 15						1 15

No.	Name of party	Presentation programme	min.	Round table programme	min.	Promotion programme	min.	Regular activities programme	min.	Statements programme	min.	Reactions programme	min.	Total number of broadcasts	number	min.
28.	CG Mijatovic, Veroljub - Omega	1	15											1		15
29.	CG Businessmen for Rich Serbia	1	15			1	3							2		18
30.	CG Potocanje					1	3							1		3
31.	CG Trust	1	15											1		15
32.	CG Potocani, Sevojno	1	15											1		15
33.	CG Posavo, Tamnava	1	15											1		15
34.	CG Obradovic, Radovan	1	15			1	3							2		18
35.	CG Petrovic, Radoslav	1	15											1		15

No.	Name of party	Presentation programme	min.	Round table programme	min.	Promotion programme	min.	Regular activities programme	min.	Statements programme	min.	Reactions programme	min.	Total number of broadcasts	number	min.
36.	CG Sumadija	1	15											1		15
37.	CG Group of Farmers of Bajevac in Belgrade	1	15			1	3							2		18
38.	CG Milosevic, Slobodan					5	15							5		15
39.	CG Superman, Nis	1	15											1		15
40.	CG Student	1	15											1		15
41.	CG Toplica	1	15											1		15
42.	CG "Univerzalisti"	1	15			1	3							2		18
43.	CG Petrovic, Radosav - Rasa, Ub	1	15											1		15

No.	Name of party	Presentation programme	min.	Round table programme	min.	Promotion programme	min.	Regular activities programme	min.	Statements programme	min.	Reactions programme	min.	Total number of broadcasts	number	min.
44.	CG United Serbia	1	15			1	3							2		18
45.	CG of Vranje	1	15											1		15
46.	CG Brankov, Vladislav	1	15											1		15
47.	CG Jokovic, Velibor - Libo	1	15			1	3							2		18
48.	CG Independent Craftsmen and Business Party Djokic Srecko	1	15											1		15
49.	CG Farmers	1	15											1		15
50.	Yugoslav Democratic Party	1	15			5	15	2	1			1	1	9		32
51.	Yugoslav Democratic Party of Good Will					2	6							2		6

No.	Name of party	Presentation programme	min.	Round table programme	min.	Promotion programme	min.	Regular activities programme	min.	Statements programme	min.	Reactions programme	min.	Total number of broadcasts	number	min.
52.	Yugoslav Workers' Class Josip Broz Tito	1	15			1	3							2		18
53.	Coalition Party for Democratic Activities & Democratic Party of Albanians	1	15											1		15
54.	Coalition Liberals - Best	1	15											1		15
55.	Coalition People's Party - People's Radical Party	1	15											1		15
56.	Communist Party of Yugoslavia in Serbia	1	21	1	90	7	21							9		132
57.	Liberal Party	1	15			5	15	1	1					7		31
58.	League of Social Democrats of Vojvodina					2	6	2	1			1	1	2		6
59.	New Communist Movement of Yugoslavia	1	15	6	542	9	27							16		584

No.	Name of party	Presentation programme	min.	Round table programme	min.	Promotion programme	min.	Regular activities programme	min.	Statements programme	min.	Reactions programme	min.	Total number of broadcasts number	min.
60.	People's Radical Party	1	25	4	362	9	27	3	3	1				18	417
61.	People's Party	1	29	6	542	10	30	4	4					21	605
62.	People's Party - Progressives	1	31	4	360	9	27	1	3					15	421
63.	People's Farmers' Democratic Party					2	6							2	6
64.	New Green Party	1	15			5	15							6	30
65.	Movement of Yugoslav Perspective					1	3							1	3
66.	Movement for Human Rights Protection	1	21	1	90	7	21							9	132
67.	Patriotic Alliance of Serbia									1	1			1	1

No.	Name of party	Presen-tation programme	min.	Round table programme	min.	Promotion programme	min.	Regular activities programme	min.	State-ments programme	min.	Reactions programme	min.	Total number of broadcasts	number	min.
68.	Vojvoda Vuk 1903-1993 Movement	1	23			5	15	1	2						7	40
69.	Movement of Vlachs & Romanians of Yugoslavia	1	15												1	15
70.	Democratic Reform Party Sandzak	1	15												1	15
71.	Democratic Reform Party of Vojvodina					5	15								5	15
72.	Workers' Party of Serbia	1	15			5	15								6	30
73.	Republican Party	1	15												1	15
74.	Party of Foreign Currency Savers	1	25	3	270	8	24	1	2						13	321
75.	Social Democratic Party - M. Trajkovic					8	24	1	1	2	1				11	26

No.	Name of party	Presentation programme	min.	Round table programme	min.	Promotion programme	min.	Regular activities programme	min.	Statements programme	min.	Reactions programme	min.	Total number of broadcasts	number	min.
76.	Social Democratic Party	1	15	2	180	1	3							4		198
77.	Serbian Democratic Party	1	23	2	182	5	35	3	6	2	2			13		248
78.	Party of Yugoslavs					1	3							1		3
79.	League of Communists - Movement for Yugoslavia/United Leftists	1	31	6	542	12	35	25	44					44		652
80.	Serbian People's Renewal	1	31	6	542	12	36	5	66					24		615
81.	Socialist People's Party of Yugoslavia					4	12	1	3					5		15
82.	Serbian Party of Right					2	6							2		6
83.	Social Democratic Party of Romanies					1	3							1		3

No.	Name of party	Presentation programme	min.	Round table programme	min.	Promotion programme	min.	Regular activities programme	min.	Statements programme	min.	Reactions programme	min.	Total number of broadcasts	number	min.
84.	Social Party of Serbia	3	40	6	542	12	36	138	336			2	2	161		956
85.	Serbian Royalist Block	1	23	2	180	10	30					1		14		233
86.	Alliance of Workers of Yugoslavia					1	3							1		3
87.	Serbian Royalist Movement	1	23	2	180	8	24					1		12		227
88.	Serbian Radical Party	1	31	6	542	12	36							19		609
89.	Serbian Unity Party	1	31	5	452	10	30	19	31					35		544
90.	Federal Party of Yugoslavs	1	15			2	6					1	1	4		22
91.	Farmers' Party of Serbia	1	29	5	452	9	27	1						16		508

No.	Name of party	Presentation programme	min.	Round table programme	min.	Promotion programme	min.	Regular activities programme	min.	Statements programme	min.	Reactions programme	min.	Total number of broadcasts	number	min.
92.	Party of Independent Craftsmen					1	3							1		3
93.	Party of Multi-Party Socialism	1	15			1	3					1		2		18
94.	Party of Peace and Prosperity	1	15			5	15							6		30
95.	Alliance of Foreign Currency Savers of Serbia	1	15											1		15
96.	United Social Democrats	1	15			8	24							9		39
97.	Great Rock and Roll Party					1	3							1		3
98.	Farmers' Party of Nis	1	15			1	3							2		18
99.	Green Party	1	15			2	6							3		21
TOTAL RTV Serbia: Broadcasts:		82		85		299		239		12		6		723		
Duration:		1449		7676		916		480		8		4		10533		